Title: Discussion on the Cable Television Networks (Regulation) Amendment Bill, 2000. (Bill Passed)

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING AND MINISTER OF STATE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): Sir, I beg to move:

> "That the Bill further to amend the Cable Television Networks (Regulation) Act, 1995, be taken into consideration."

Sir, Shri K.P. Singh Deo has just mentioned that he had the privilege of piloting the Cable Television Networks (Regulation) Act, 1995. As a result of the advent of satellite television, several new avenues came to the fore. In 1995, Parliament legislated the 1995 Act. Since then we have put this Act into motion and implemented it for several years. There are several areas where the Act requires to be strengthened. I will briefly indicate the areas which this Bill deals with.

Under section 5 there is a provision to frame a programme code. Similarly, under section 6 there is a provision to frame the advertising code. Accordingly, regulations have been framed in which a programme code and an advertising code had been framed. But sections 5 and 6 carry a proviso which says that nothing in this section shall apply to programmes of foreign satellite channels which can be received without the use of specialised gadgets and decoder.

A similar proviso is there in Section 6. The result of these two provisos has been that every time there is a foreign satellite channel which is uplinked from outside the country down-linked into India, it is further transmitted without the use of any specialised gadgets or decoders, they get a complete exemption from the applicability of the programme code as also the advertising code. The special gadgets or decoders are used for the purpose of those channels only which are pay-channels. That is to say, the cable operator charges every household a certain amount of money. Those who are free channels are transmitted without any specialised gadgets or decoders. Therefore, if there is a foreign satellite channel − we have a large number of foreign satellite channels which are down-linked into the country, which are free to air channels, where no decoder is required − then there is a complete exemption to the cable operator to show that programme and transmit it further without any consequence, irrespective of whether our programme code or advertising code have been complied with in that programming or not.

In the new amendment, it is proposed to delete this particular provision, the provisos themselves, so that the effect of the deletion would be that our programme code and broadcasting code would be applicable to all kinds of channels, whether they are pay-channels, encrypted-channels or they are free to air channels.

The second amendment which has been suggested is the definition which has been added in clause 2(a), where we are defining an authorised officer. There are several sections in which this Act has to be implemented in every district of the country to see that there is compliance of the provisions of this Act and several officers are required to be notified to implement this Act. The experience of the last five years has been that since this is required to be implemented in every district of the country, in several States, the concerned officers have not been notified or have not been spared by the State Government for this particular purpose. Therefore, those definitions are being substituted, that instead of saying which particular officer, the phrase being introduced is an `authorised officer'. The word `authorised officer' is being added to the definition that he shall include the District Magistrate, the sub-divisional Magistrate or the Commissioner of Police who will have the primary responsibility for implementing several provisions of this Act. This is intended in order to make the implementation of the Act easier.

The next provision is sought to be brought in by an amendment. Under Section 8 of the original Act, there was a provision that Doordarshan being a public service broadcaster, there was a mandatory clause that at least two programmes of the public service broadcaster must be carried by every cable operator. There have been several difficulties in the enforcement of it. These difficulties are in the nature of either not transmitting them properly or not transmitting them at all or also transmitting in a manner in which Doordarshan which has simultaneously satellite and terrestrial signals, both being put into the same channel as a result of which a lot of people complain that there is a hazy picture.

As far as Doordarshan is concerned, the Prasar Bharati has been able to have a special emphasis on regional language programming. In several regional languages, in the course of this calendar year, they have started 24-hour satellite channel. Therefore, these satellite channels which are in regional languages give a great fillip to regional languages, regional music, regional news, regional current affairs as also various cultural events of the artists of those particular regions. It is important that people get access to these channels also. Therefore, Section 8 is proposed to be substituted and the new Section 8 would provide that every cable operator would transmit at least two Doordarshan's terrestrial channels. There are two channels which are terrestrial; DD-National and DD-

Metro and one regional language channel of a State in the prime band in the satellite mode on frequencies other than those carrying terrestrial frequencies. Therefore, two terrestrial channels would be carried on the terrestrial frequencies so that there is no mis-match. The regional channels which are in the satellite mode would be carried on the satellite frequency in the prime band itself so that the signals which reach every house are of good quality. There have been several complaints that cable operators do not transmit those signals properly. There is also a provision for notifying those channels which are to be carried by the Prasar Bharati itself.

There is also a proposal to amend Section 20 of the Act to include programme or which district should be carried by the operators.

SHRI A.C. JOS (TRICHUR): Who has got the discretion as to which programme to be carried by the operator?

SHRI ARUN JAITLEY: Sir, there is no discretion with regard to a programme. There will be two layers of this. The suggestion is that a cable operator is free to carry any channel, provided that the programmes are complying with the programme code and the advertising code. If there are channels which are violating them, they will not be permitted. For instance, there was a particular channel which offended decency, and which was vulgar, that channel was not permitted. Every channel which is within the parameters of the programme code and the broadcasting code, the cable operator can carry that.

As far as Doordarshan is concerned, there is provision proposed in Section 8(3) which says that "the Prasar Bharati established under Section 3 of the Prasar Bharati Act, may, by notification in the official Gazette specifying the number and the name of every Doordarshan channel to be transmitted by the cable operator in their cable service and the manner of the reception and the re-transmission of such channelsâ€¦". There are only two such terrestrial channels. Therefore, they will be obvious. But as far as the regional language channels are concerned, the notification would be that such regional language channels which has the most popular acceptability and understanding in that particular region. We are now in the process of setting up regional language channels in most parts of the country. In fact, a large number of States have been covered in the past few months. Therefore, those regional language broadcasts must also get a reasonable fillip. That is the object of this particular amendment.

The last limb of the amendment is to add Section 20 sub-section 2 where Section 19 and Section 20 were enacted originally, this amendment is more classificatory in nature. The reason for this amendment is that under Section 19, there is a power to prohibit a transmission which promotes hatred on the grounds of religion, race, language, caste, community, disharmony or linguistic disturbances between castes etc. So, Section 19 prohibits any programme which generates caste or communal or religious hatred. It is a valid provision which should be there. Section 20 has a specific provision that the Government may in public interest prohibit a particular channel. Since the other matters are not defined, for example, if there is a channel which is substantially pornographic we can perhaps try and invoke the clause under public interest Section 20 as to what those proponent would be are not defined under Section 20. Therefore, in the past when an occasion arose to prohibit a channel which offended decency and was pornographic in character, a doubt was raised. Section 19 gives the specific power with regard to prohibiting channels which are generating caste and religious hatred, but there is no power with regard to such channels which are pornographic in character. Therefore, the language of article 19(2) of the Constitution which is the reasonable restriction on the freedom of expression has been brought into Section 20 sub-section (2). Therefore, the power is only relatable to those restrictions which are already Constitutionally permissible restrictions, viz. programmes which offend the sovereignty and integrity of India, security of India and friendly relations of India with any foreign State or public order, decency or morality. Now these are all phrases which are the constitutionally permissible restrictions. Sir, the main object behind this amendment is that we have worked this Act for over five years. There are several factors which emerged in the process of its functioning. The Parliamentary Standing Committee and various other Consultative Committees have been discussing these issues from time to time, and raising these issues and concerns with regard to each of these subjects. These issues have been stated in this House on various occasions. In fact the Standing Committee has also recommended that on the pattern of some of the countries abroad, there must be a must carry clause. That is why we take two plus one of these channels. The Standing Committee itself has recommended this. Therefore, this should be introduced into this Bill. It is in consonance with a popular opinion which has been expressed in this House also on several other occasions that the Government has considered it necessary to move for the amendment of this law in order to really strengthen the Cable Law in India.

With these words, I commend to this House that this Bill be taken up for consideration and be approved.

MR. CHAIRMAN: Motion moved:

> "That the Bill further to amend the Cable Television Networks (Regulation) Act, 1995, be taken into consideration."

There are amendments to the Motion for Consideration. I think Shri Vilas Muttemwar is not present here. Shri Varkala Radhakrishnan to move his amendment.

SHRI VARKALA RADHAKRISHNAN : I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th November, 2000." (1)

SHRI E.M. SUDARSANA NATCHIAPPAN (SIVAGANGA): Mr. Chairman Sir, I support the Bill because this is a very important Bill.

The authorised officer is having a very high power to interfere in the cable operators" work on a day-to-day basis. I plead that it should not be discriminatory and arbitrary. That type of an unbiased view should be taken by the authorised officers who are going to appointed under clause 2(a) of the Bill.

In clause 5, it is suggested that Doordarshan is to get two channels. It is a very good amendment because Doordarshan is now trying to stand up to the private TV channels in competition. Private TVs are coming up with very powerful picture transmission and films. It is good that Doordarshan is also coming up gradually. But it has to spread itself much more because in the rural areas, Doordarshan is the only medium through which people get their television. Whereas in the towns and cities, cable operators are also working, in the moffusil areas only Doordarshan is giving information to the people. As a medium of information, Doordarshan has to be there in cities and towns also. Therefore, this provision is very important. Doordarshan should have its prominence in this cable operation.

I would like to draw the attention of this august House to the fact that now the cable operators are becoming monopolies. I know that in Chennai City it is dominated by a single operator. Everything is purchased by them. Therefore, there is nobody who can give a choice of channels to the people.

Now a days even the TV channels are becoming politicised. Every political party is having a particular channel. If one person is in the ruling party and another person is in the opposition party and they are having a TV channel each, one can very well be stopped from being viewed by the people. Therefore, this monopoly should be restricted. For that purpose there is no provision in the Bill. We can do it because when there can be monopoly restriction in business, this is also a kind of business. If there is any complaint that there is monopoly in a particular city and I am ready to provide a second channel, that type of choice should be considered in order to end the monopoly in the field. It is very much a mass media and people are suffering because of this monopoly. Especially in Tamil Nadu, in each and every town there is monopoly.

Hon. Members know that unemployed graduates, engineers and others are now going in for cable operation. They are earning money. If there are 100 or 120 customers, then they can very easily earn some money. It offers self-employment opportunities to the cable operators. But this is going to be dominated again by the TV producers themselves.

If the television station holders themselves are going to dominate the cable operation, then self-employment will not be there and there will be monopoly in due course. Even particular channels may not be for the view of the public. Therefore, this is a very important point that has to be considered.

I would like to attract the attention of the hon. Minister to another point. Especially in Chennai, cine actors had already come to the streets. They agitated about the pirated cassettes and that the entire industry is going to face the problem. The industry is not able to produce a picture, go to the public, run the film for 100 or 200 days and then go in for a better chance of producing another film. Now there is no scope for it in Chennai and other areas because immediately on release of a film, Arabian cassettes come here. Very beautiful pictures are there. Pirated pictures are there. Once there is a complaint from the film industry or from the actors, they come in procession to the Chief Minister, the premise is raided and then, the next day, they start doing it again. Therefore, piracy which is there has to be controlled.

Piracy is there in the cable television also. The local operators are screening the latest pictures released in the market. Thus, people are not going to the cinema halls at all. They watch them in the local cable channel itself. The local operator adjusts themselves with the local police and the local police adjusts itself with the authorised officers. By this way, it keeps automatically running as usual. Therefore, there should a very careful policing. If any individual complains, proper action should be taken. Especially when the Films Chambers of Commerce comes out with this type of a request, then that should be carefully looked into.

Finally, only this type of cable operation alone is coming under the purview of this law. What about rich people who are having their own powerful dish antenna in their houses and are enjoying pictures which should not been seen. Moreover, they are taking advantage of internet also. There are a lot of objectionable things which are going on in

the clubs also. This also should be restricted. If there is a dish antenna put up, then the authorised officers should have some right to look into it. If there is any complaint that a particular group of people are enjoying in an undesirable way, by payment or at their own social clubs, then powers should be given to the authorised officers to interfere in such activities. Even though the guilty ones are rich people and having separate social clubs, they should be curtailed from indulging in such activities so that decency is maintained all the time.

Clause 6 speaks about public decency or morality and Sub-Clause 5 has very wide terms. Individual authorised officers can enter any place very easily. They can interfere the privacy of any individual also. Proper instructions should be given in this regard. As regards the code of conduct, it should be properly drafted. The authorised officers should be reviewed then and there so that modern methods of mass communication are used in a civilised manner and not in an uncivilised way.

SHRI RUPCHAND PAL (HOOGLY): Sir, on the basis of the experience of the last five years with regard to the operation of the several provisions of the Cable Network Bill, certain amendments are being proposed and there cannot be any difference of opinion with regard to particular amendments being proposed. But I have a different thing to place before the House for consideration.

Firstly, how far is the programme code itself being honoured by the private channels and even by Doordarshan?

Because, in our country, our Constitution has given us a direction about the type and kind of democracy we are going to practice. The foundation of the Indian democracy, I mean the secular democracy, would find that through the serials, shows, presentation of views and all these things. Several programmes are there. In these things, secularism is the first casualty. I am not mentioning to you some very popular programmes as a result of which we have found that particular sections of people rather the religious groups had reacted in a particular fashion. But what I want to say is that a time has come when the programme code should be suitably amended taking into account the needs of the nation. We have reached a stage and we have to protect the vital interest of this nation which was visualised during the Freedom struggle.

About the advertisement code, I can tell you that it is honoured more in violation than by compliance. Let me take one example. The advertisements of liquor in the channels are gradually being directly presented for the promotion of whisky and different types of liquors as it happens in the Western countries. About tobacco, earlier in the advertisement code, there were certain limitations with regard to the use of it. We have repeatedly discussed on the floor of this House about sex and violence which is a menace. If you just watch certain channels, you will find that in the name of fashion show, in the second channels, they are presenting only nude presentation of female bodies. Even on *Doordarshan,* we have seen such presentations not only in the serials, advertisements and other programmes but also in different ways where the programme code and the advertisement code have been violated by *Doordarshan,* which is the public broadcasting service itself. More so, the private agencies are being allowed to operate through the system of *Doordarshan* itself. I am not naming any particular agency. In the name of presenting news, they are taking the prime time away from *Doordarshan* and *Doordarshan* is foregoing its own rights. Such agencies are not only minting money at the cost of *Doordarshan* but also they are, with political motivation, being encouraged by interested corners and they are using those channels.

Now, I would like to draw the attention of the hon. Minister to some such cases. As you know, on the birth day of a legendary leader of the Russian Revolution, who is honoured throughout the world, who is a source of inspiration to the downtrodden throughout the world, it was shown in such a ridiculous manner that it hurt us very much. Of course, an interference was made by some important people from informed quarters and they had apologised. But it did not end there. They have been violating the programme code in several ways. Here, it has been mentioned that if it involves the sovereignty and integrity of the country, the security of the country, the friendly relations of India with any foreign State, public order, decency or morality, the Central Government may, by order, regulate or prohibit the transmission or re-transmission of any channel or programme. But all these things are being violated.

So, I would support the hon. Minister and his Government if it comes out with a new programme code, with a new advertisement code, which should be strictly implemented by this Government.

I have another point to make − the share of information, education and entertainment. Even when the Doordarshan was started, Shrimati Indira Gandhi said that it would be an instrument of social change. Instead of it being used as an instrument of social change, with adequate emphasis on education and information part of it, it is essentially entertainment, and not even wholesome entertainment. The entertainment is based on sex-related, violence-related stories, and rerun of films only. We do find that education had become a casualty. Of course, of late, the Government has announced *`gyan darshan'* an enrichment channel which would be available throughout a day, 24 hours a day, providing educational opportunities for those deprived young people or elderly people through the non-formal system of education, and also supportive of the formal system.

I have to make a third point and that is very important. In these days of convergence as in the Western countries, developed countries, cable is being used for telecommunication also. In convergence, telecom, computer and broadcasting are the several faces of one entity. In our country, of late, we hear that the network of power, the network of railways, the network of Gas Authority of India, and all others are going to be used for laying of the optical fibre backbone. Of course, in this regard some private agencies are also proposing to set up, covering the whole country. What is happening? The private agencies are negotiating with these public sector undertakings to have access to this network or even to organise such network which they can themselves use. In our country individual and groups belonging to different commercial, political, social and other interests have come out with cable network. Particularly, in the South, we do find that many political leaders do have their own areas of influence, and their own areas of control in the cable network. But who will voice the concern of the common people? Common people do not have any say. In a situation like this, information is controlled, both in terms of dissemination and access. In such a situation, I will remind the Government to a landmark judgement. The Supreme Court once said that the airway is a public property. But till today, the Government has done little to ensure that public has enough access to information, and also enough right and power for the dissemination of that information. We see in Indian situation that there is a serious divide, a yawning gap between the information-rich and the information-poor. More and more rich sections are having control over the information, the global information, the national information and also the right to misinform and disinform people. Of course, the Committee should consider freedom of information. Appropriate Committee had been suggested. My suggestion is that that time has come. The Government should statutorily declare the proportion of education, information and entertainment. You may say that it would just violate the provision of the Constitution and the freedom of expression. It is not so because in a developing country, the Government has a responsibility.

Sir, information and education in a knowledge-based society are essential ingredients not only for their social and economic development, but also for empowerment of the deprived sections of the society, namely women, the downtrodden and weaker sections, socially or otherwise. In such a situation, I would suggest that the Government should come out with a comprehensive policy statement as to how they are going to empower the people, as per the direction of the Supreme Court. The Minister, as far as I know, has prepared a Report of the Review Committee on the Working Group of Prasar Bharati. They will discuss it and ultimately, during the course of time, this House will have access to that material.

Sir, the problem lies in the implementation of the Cable Television Network (Amendment) Bill. It is very difficult to implement whatever is being provided in the several provisions of this Bill, because hardly any punishment is meted out to the people who violate them. I would like to ask the hon. Minister as to how many people, who have violated the several provisions of the existing Act, have been booked. If the hon. Minister can apprise the House of this, it would be better.

Sir, these days, several multinational companies, big companies, are buying up the small operators and in the Eastern and Western parts of our country, this is happening. I do not know much about the situation in Southern part of our country. The Minister may know about it because he has his own colleague in the Cabinet, Shri Murasoli Maran, whose son is running the Sun T.V. channel and, of course, his leader's channel is also there. ...(*Interruptions*) There are so many channels that are being gobbled up by his friends. ...(*Interruptions*) We want to have one and, with your cooperation, we will have a new Bengali channel also. By competition, we shall be able to demonstrate that we are in no way inferior to any of the channels. ...(*Interruptions*)

Sir, the views of the hon. Minister should also be presented as objectively and unbiasedly as possible.

MR. CHAIRMAN : Please conclude now.

SHRI RUPCHAND PAL (HOOGLY): Sir, I would like to continue next time.

MR. CHAIRMAN: Let me take the sense of the House. Please take your seat.

There are four hon. Members who want to speak on this Bill and if the House agrees, then the Private Members' Business can be taken up at 3.30 p.m., so that this Bill can be passed.

SHRI A.C. JOS (TRICHUR): No; it can be done after the Half-an-Hour Discussion..

1500 hrs.

MR. CHAIRMAN : At 5.30 p.m., there is Half-an-Hour Discussion. That cannot be postponed.

...(*Interruptions*)

MR. CHAIRMAN: If the House agrees, then only we can take it up.

SHRI A.C. JOS : No, Sir. After the Private Members' Legislative Business, it can be taken up.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Sir, I want to make a request. The House can take a decision. Either we extend it now or we can continue this discussion after the Half-an-Hour Discussion.

SHRI A.C. JOS : It could be after the Private Members' Business.

SHRI PRAMOD MAHAJAN: After that, we can continue.

SHRI RUPCHAND PAL : No; on another day.

SHRI PRAMOD MAHAJAN: Why? ...(*Interruptions*) You want Monday to be a holiday. You do not want anything to be completed. ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : Sir, I would request Shri Rupchand Pal also. It is true that the time allotted for the Private Members' Business should not be encroached upon. Between 3.00 and 5.30 p.m., many Members will react. We could not transact any Government business today because we referred that matter to some other Committee. After the Half-an-Hour Discussion, if we sit for 30-40 minutes and finalise the Bill, it would be proper. It would also be proper for the Opposition to some extent.

MR. CHAIRMAN: Is it the sense of the House that we take up this Bill after the Half-an-Hour Discussion?

SEVERAL HON. MEMBERS: Yes.

MR. CHAIRMAN: All right. Shri Rupchand Pal will continue.

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : सभापति महोदय, कानून में लिखा है कि संसद की कार्यवाही छः बजे तक चलेगी लेकिन संसदीय कार्य मंत्री जी ने रोज ही आठ बजे तक सदन की कार्यवाही चलाने का कानून बना दिया है। â€¦(व्यवधान) एक दिन आप छः बजे की जगह आठ, दस बजे तक हाउस बैठा सकते हैं लेकिन अब तो रोज ही आठ, दस या ग्यारह बजे तक हाउस चलता है। â€¦(व्यवधान)

सभापति महोदय : बिजनेस एडवाइजरी कमेटी में यह डिसाइड हुआ है कि अगर जरूरत होगी तो हाउस आठ बजे तक चलेगा।

...(व्यवधान)

डॉ. रघुवंश प्रसाद सिंह : छः बजे तक का नियम बना हुआ है। â€¦(व्यवधान)

सभापति महोदय : नियम तो छः बजे तक का ही है लेकिन बिजनेस एडवाइजरी कमेटी में यह तय हुआ है कि अगर जरूरत होगी तो हाउस आठ बजे तक चलेगा।

...(व्यवधान)

डॉ. रघुवंश प्रसाद सिंह : अभी डिसइन्वेस्टमैंट संबंधी बिल पर बहस हुई है । उस बहस के क्या मायने हैं ? कानून बनते हैं लेकिन उसका कितना प्रचार होता है ? â€¦(व्यवधान) अखबार में भी नहीं छपता कि कानून पास हुआ है। â€¦(व्यवधान) जनता कैसे जानेगी ? लोग यहां बोलते हैं लेकिन उसका कोई मतलब नहीं है। इस परिपाटी के हम सख्त खिलाफ हैं। ऑकेजनली आप छः बजे के बाद आठ बजे, दस बजे या ग्यारह बजे तक बहस करा सकते हैं लेकिन रोजाना दस बजे, ग्यारह बजे तक बहस करायें, यह ठीक नहीं है। â€¦(व्यवधान) यह व्यावहारिक नहीं है। यह संसदीय परम्परा के अनुकूल है।

â€¦(व्यवधान) आज शुक्रवार है और इसके बाद चार दिन की छुट्टी है इसलिए सभी मैम्बर्स अपने क्षेत्र में जायेंगे। यह बोलते हैं कि छ बजे के बाद बिल पास करा लीजिए। आप पास करा लीजिए क्योंकि आपके पास बहुमत है। इसमें बहस की क्या जरूरत है ? यह तो ऐसे ही पास हो जायेगा। ऐसी बहस की कोई जरूरत नहीं है। वैसे भी संसदीय कार्य मंत्री की रेल बिना ब्रेक के चल रही है।â€¦(व्यवधान) उनसे बातें कर लेंगे, इनसे बातें कर लेंगे। आप कुछ तो परम्परा रखिए। â€¦(व्यवधान) यह सब विधायी कार्य महत्वपूर्ण हैं। â€¦(व्यवधान) मैं कहना चाहता हूं कि कल रात ग्यारह बजे तक डिसइन्वेस्टमैंट संबंधी बिल पर बहस हुई लेकिन देश का कौन आदमी इसे जानता है। â€¦(व्यवधान) यह रात में गुप्त बैठकें चलवाते हैं इसलिए मेरा इस पर तीव्र प्रतिवाद है । इस पर विचार होना चाहिए।

1804 hours

SHRI RUPCHAND PAL (HOOGLY): Mr. Deputy-Speaker, Sir, I shall be very brief. Following a Common Cause Public Interest Litigation, the Supreme Court has given certain directions to the Union Government as to how to contain the violation of this Act. The Government owes an explanation to the House as to how they proposed to take certain steps apart from what has been suggested here. When the Government is bringing this amendment to ask the private satellite channels to carry, at least, two DD channels and one regional language channel, I would like to emphasise that the quality of DD programmes should be improved. If DD cannot inspire other channels, then the viewership of the DD will continue to decline. In this context, if I remember correct, P.C. Joshi Committee had suggested that Indian television should have its own Indian personality. The basic ingredients of that personality are, it should be the voice of the people, not the elitist and urban-oriented, not politician-centred and leaders-

centred. What is happening today? Lack of credibility or erosion of credibility of DD has happened because it is being used for partisan ends.

When the Congress was in power the Doordarshan was called `*Indira Darshan'* and now it is being called by a different name. Different partners of the NDA Government are using it for image building exercise. The first casualty is the credibility of DD. If the quality of the programmes of DD cannot be more attractive, for that purpose it should not compete with the channels which are indulging in just their own advertisement code, as is known in the Mumbai case of Channel-V. The nation was shocked to see that two Pune University girls were asked to undress, slip to the bare minimum and that shooting had taken place in a public place in Mumbai. Those two girls were even paid Rs.1500. The Mumbai Police caught them also but nothing could be done about them. If you look at the Fashion Show, as I was referring to, it is obscenity to infinity sometimes. It is un-imaginable. What is the definition of obscenity? Even after this Bill is passed, your programme code will continue. You are the best interpreter of things. You are such an eminent lawyer. What is the definition of obscenity? This House wants to be assured that the Government is quite aware of the things that are developing. In J&K, the North-East, repeatedly you had said that the Pakistan TV had a wider coverage. Our transmission system can go only to 70 kms or whatever it may be. Because of the mountainous region, what role private channels are playing? This should be explained. The Government owes it to the House to explain what steps they are taking.

I have another very important point to make. There is a Broadcasting Bill pending. Fortunately or unfortunately, I was the Member of that Committee Chaired by Shri Sharad Pawar. We made a lot of recommendations. What has happened to that? There is another Bill pending. I was mentioning the convergence part, what the cable operators should be doing, the optical fibre, the public undertaking network is being used in such a way, how monopolisation is taking place and the small operators have been gobbled up by big operators and so on. The Bill which I was referring to is the Information, Communication and Entertainment Bill, popularly known as the ICE Bill. Why do we have this piecemeal Bill? We should have a comprehensive Bill which should contain all these things. It should have a revised amended programme code. As I have said, the programme code should also be suitably amended because till today it does not contain the ethos of pluralism. If it is violated, Gods, Goddesses, institutions and leaders are commercialised in a manner for earning revenue only. This is happening. This should not be allowed. The Programme Code and the Advertisement Code should be suitably amended.

Now I come to the reaction of the private channel to this proposed amendment. I would just refer to it as I have read it somewhere. Some private channel says that after this amendment, the revenue of the private satellite channel will come down. That means they are using the advertisements in such a manner. But, it is not in respect of cigarette or liquor because they are uplinking from abroad and their laws permit the presentation of such advertisements. Now that you have decided that the foreign channels should uplink from the Indian land, they should be subjected to the Indian laws. I am very much eager to know as to what do you propose to do with regard to this.

Lastly, I come to implementation part of it. There is no dearth of good laws in this country. Look at the Censorship. We have some idea of censorship. I had the occasion to be associated with two Committees which had been involved in the exercise of studying and reviewing the censorship. There were two opinions that the censorship in the Indian situation have failed miserably because the Government did not give them the right direction as it should be in the Indian situation. Now there is a suggestion that even in the case of TV, there should be another Censor Board. I do not subscribe to this at all. But the programme code as well as advertisement code should be suitably amended.

As regards the implementation part of it, as has been proposed, right now, I am not giving any other suggestion. This can be given only in a comprehensive manner and in the light of the convergence that is taking place. Only then I can give you the concrete suggestion.

With these words, I do not oppose it but say that it is a piecemeal amendment. But still I welcome it.

श्री थावरचन्द गेहलोत (शाजापुर) : माननीय उपाध्यक्ष महोदय, मैं केबल टेलीविजन नेट्वर्क (विनियमन) संशोधन विधेयक, 2000 का समर्थन करता हूं। मंत्री जी को और अटल जी की सरकार को मैं धन्यवाद देता हूं कि देश की जनता की इच्छा और आकांक्षा को पूरा करने के लिए उन्होंने इस विधेयक के माध्यम से केबल टेलीविजन नेट्वर्क (विनियमन) विधेयक, 1994-95 जो इस देश में लागू है, उसकी धारा 2, 5, 6, 8, 11, 18, 19, 20 में संशोधन प्रस्तावित किए हैं। उन संशोधनों के माध्यम से देश में टेलीविजन के माध्यम से जो दुप्रचार हो रहा है, मारधाड़ के कार्यक्रम प्रसारित किए जा रहे हैं, देवी-देवताओं के बारे में अनर्गल प्रचार करने की दृष्टि से कार्यक्रम रिलीज किए जा रहे हैं और देशद्रोह से सम्बन्धित समाचारों का भी प्रसार-प्रचार किया जा रहा है, इन पर अंकुश लग सकेगा। वैसे यह एक्ट 1995 से लागू है। परंतु देश का वातावरण यह महसूस करता था कि इस एक्ट पर कहीं भी देश में अमल नहीं किया जा रहा है। मैं सोचता हूं कि मंत्री जी अगर पिछली सरकारों ने कोई अमल किया है, जो प्रावधान इस एक्ट मे किया गया था, उसके अंतर्गत अभी तक क्या-क्या कार्यवाही हुई है, इसका थोड़ा सा ज्ञानवर्धन कराएं तो अच्छा रहेगा। इस एक्ट में यह प्रावधान है कि कोई भी केबल आपरेटर या कोई भी संस्थान जो टेलीविजन कार्यक्रम प्रसारित करना चाहता है, वह अपना रजिस्ट्रेशन कराएगा। मैं जानना चाहूंगा कि सारे देश में अभी तक कितने ऐसे पंजीकृत आपरेट्र्स या संस्थान हैं ?

इस एक्ट में कुछ गलतियां करने पर या अपराध करने पर या इस एक्ट में जो प्रावधान है, उसका उल्लंघन करने पर केस दर्ज करने का प्रावधान है। अगर किसी ने प्रथम बार अपराध किया है तो उसको दो हजार रुपए जुर्माना और दो साल की सजा का प्रावधान है। अगर किसी ने दूसरी बार या अनेक बार ऐसा अपराध किया हो

जो इस एक्ट की परिधि का उल्लंघन करता है तो उसको पांच हजार रुपए या पांच वर्ष की सजा का प्रावधान है। मध्य प्रदेश का मुझे मालूम है, वहां एक भी इस प्रकार का केस नहीं बनाया गया है। मेरी जानकारी है कि देश में भी इसी प्रकार की स्थिति है। कहीं भी इस एक्ट पर अमल करने का कोई प्रयास नहीं किया गया।

उसका एक बहुत बड़ा कारण भी है जिसमें संशोधन करके आप सुधार कर रहे हैं। यह धारा 2 में आपने प्राधिकृत अधिकारी की परिभाषा स्पष्ट करके और कुछ नाम पहले से तय कर दिए थे और राज्य सरकारों के ऊपर यह छोड़ दिया गया था लेकिन राज्य सरकारों ने इसमें कोई रुचि नहीं ली। अब आपने सीधे-सीधे यहां से प्रावधान किया है और मैं सोचता हूं कि इसमें जरूर सुधार होगा। जिस प्रकार से आपने डिस्ट्रिक्ट मजिस्ट्रेट, उपखंड मैजिस्ट्रेट या पुलिस आयुक्त ये तीन पद श्रेणियां उल्लेखित कर दी हैं, राज्य सरकार को इसके बारे में अब कुछ घोषणा करने की जरूरत नहीं है। कहीं ये पद नहीं हैं, इस प्रकार के अधिकारी नहीं हैं तो इस रैंक के अन्य अधिकारियों को भी प्राधिकृत अधिकारियों के रूप में घोषित कर सकेंगे। अब यह प्रावधान होने के कारण निश्चत रूप से इसमें कुछ सुधार हो सकेगा। आप विद्वान हैं और बहुत अच्छे वकील भी है, इसलिए मैं कुछ सुझाव देते हुए संकोच करता हूं। लेकिन पुलिस आयुक्त भी आपने इसमें प्राधिकृत अधिकारी के रूप में एपाइन्ट करने का प्रावधान किया है परंतु देश में पुलिस आयुक्त प्रणाली गिनती के स्थानों पर है। महानगर में यह प्रावधान है या कुछ स्थानों पर है। मध्य प्रदेश में नहीं है, हिन्दुस्तान के आधे से अधिक राज्य ऐसे हैं जहां पुलिस आयुक्त प्रणाली नहीं है। इसके लिए मैं आपसे निवेदन करना चाहूंगा कि पुलिस आयुक्त या पुलिस अधीक्षक या आई.पी.एस. अधिकारी इस प्रकार का अगर प्रावधान कर देंगे तो शायद अच्छा रहेगा। मैं सुझाव इसलिए दे रहा हूं क्योंकि आजकल कानून-व्यवस्था को लेकर डी.एम. और उपखंड अधिकारी या उपखंड मजिस्ट्रेट फुर्सत में नहीं रहते। 24 घंटे में 18-20 घंटे उनको कानून-व्यवस्था की समस्या से जूझना होता है। उससे ही वे निपट नहीं पाते हैं। उनकी इस प्रकार के कामों में रुचि नहीं होती और रुचि भी होगी तो समय नहीं निकाल पाएंगे। पुलिस अधिकारी का हर क्षेत्र में आना-जाना लगा रहता है, वे इसमें ठीक से रुचि ले सकेंगे तो ठीक से इम्पलीमेंट कर पाएंगे। इस एक्ट में अगर किसी ने कोई अपराध किया है या गड़बड़ी की है तो उसके ईक्विपमेंट सीज़ करने का भी प्रावधान है। इस दिशा में भी कोई कार्रवाई नहीं हुई है। अगर हुई है तो आपका विभाग जानता है। आपके पास यदि कोई इस प्रकार की जानकारी है और आप सदन को उससे अवगत कराने की कृपा करेंगे तो बहुत अच्छा होगा।

आप और हम देखते हैं कि केबल ऑपरेटर्स जो दूरदर्शन के चैनल्स दिखाते हैं, नियम में दो दूरदर्शन चैनल दिखाना जरूरी है- दिल्ली दूरदर्शन एक और दो। कोई से भी दो दूरदर्शन कार्यक्रम रिले करना चाहिए परंतु वे एक भी नहीं करते और कुछ शहरों में कभी-कभार एकाध दूरदर्शन पर दिखा देते हैं। ग्रामीण क्षेत्रों में तो दूरदर्शन रिले केन्द्र नहीं होने के कारण जो केबल ऑपरेटर्स डिस्क के थ्रू कार्यक्रम प्रसारित करते हैं, वे दूरदर्शन कभी नहीं दिखाते। वे लटके-झटके और मारधाड़ वाले और अश्लील कार्यक्रम दिखाना ज्यादा पसंद करते हैं क्योंकि लोगों की रुचि भी सीधे-सीधे ऐसे कार्यक्रमों के प्रति ज्यादा होती है। जो दो दूरदर्शन कार्यक्रम दिखाने का प्रावधान था, उसका भी उल्लंघन होता था, परंतु उसमें एक और प्रावधान किया है। अभी एक दूरदर्शन रिले केन्द्र और चालू किया जाएगा अर्थात् दो दूरदर्शन के अलावा तीन दूरदर्शन कार्यक्रम दिखाये जाएंगे। एक दूरदर्शन ऐसा होगा जो क्षेत्रीय भाषा में कार्यक्रम दिखाएगा। मैं इसके लिए धन्यवाद भी देता हूं और बधाई भी देता हूं। दूरदर्शन के कारण केवल बुराई-बुराई ही देश में आई हैं, ऐसा मैं मानता हूं परंतु यह भी मानता हूं कि दूरदर्शन कार्यक्रम के माध्यम से सारे देश में कुछ अच्छाइयां भी देखने को मिली हैं, जैसे रामायण, महाभारत, कृष्ण और हजरत मोहम्मद के ऊपर कार्यक्रम बनाये गये हैं जिन्हें सारे देश की जनता ने देखा है और कुछ सीखा भी है। सबसे ज्यादा फायदा यह हुआ है कि हिन्दी का प्रचार प्रसार हुआ है। हमारे पूर्वज महान नेता थे जो देश की आज़ादी की लड़ाई के लिए तत्पर थे। जिन्होंने कुर्बानियां दी हैं और जिन्होंने सपना संजोया था कि इस देश की राष्ट्रभाषा हिन्दी होगी।

कागजों में तो प्रावधान कर दिया है कि देश की राष्ट्रभाषा हिन्दी होगी, परन्तु व्यवहार में हम हिन्दी को नहीं अपना रहे हैं। दूरदर्शन के कार्यक्रमों के माध्यम से सारे देश की जनता को और बाहर के देशों को भी हिन्दी को सीखने और समझने का अवसर मिला है। दूरदर्शन के कार्यक्रमों के माध्यम से देश की जनता को लाभ भी मिला है, लेकिन पाश्चात्य संस्कृति के कार्यक्रम भी दिखाए जा रहे हैं। इन कार्यक्रमों से हानि हो रही है और इस हानि से बचने के लिए हमें अश्लील कार्यक्रमों को नहीं दिखाना चाहिए। ऐसे प्रावधान पूर्व एक्ट में नहीं थे, लेकिन अब मंत्रीजी ने इस विधेयक में प्रावधान कर दिया है और इस विधेयक के पास होने के बाद अश्लील कार्यक्रम या पाश्चात्य संस्कृति से ओत-प्रोत कार्यक्रम नहीं दिखा पायेंगे। इस दिशा में माननीय मंत्री जी सक्रिय हैं और उनकी तत्परता के कारण ही देश में अश्लील कार्यक्रम दिखाने बन्द हो सकेंगे। मैं माननीय मंत्री जी से एक निवेदन करना चाहता हूं, सूचना-प्रसारण कार्यक्रम हेतु आचार-संहिता बनानी चाहिए। आचार-संहिता नहीं होने के कारण ही लोग मनमाने तरीके से कार्यक्रम दिखाते हैं। सैंसर बोर्ड भी इस तरह की परिभाषा करता है कि कोई चित्र अश्लील है या नहीं, निर्णय नहीं हो पाता है। कानून बने हुए हैं, लेकिन उन कानूनों में कोई गली निकाल कर अश्लील कार्यक्रमों को भी सैंसर बोर्ड की स्वीकृति मिल जाती है। वे कार्यक्रम फिर टीवी या सिनेमा घरों के माध्यम से दिखाए जाते हैं। मेरे विचार से इस दिशा में भी सुधार किया जाना चाहिए। इसी प्रकार कापी राइट एक्ट में सुधार करने की गुंजाइश है। ब्युरो आफ इंडियन स्टैंडर्ड्स एक्ट, 1986 का भी पालन नहीं हो रहा है। इसमें प्रावधान है कि केबल आपरेटर के इक्विमेंट को भी तीन साल के बाद एक्सपायर माना जाएगा। मैं मंत्री जी से एक और निवेदन करना चाहता हूं कि देश में दूरदर्शन रिले केन्द्रों का विस्तार होना चाहिए। बहुत सी जगहों पर दूरदर्शन रिले केन्द्र स्थापित हो गए हैं, लेकिन उनकी रेज इतनी है कि देश का केवल 33 प्रतिशत हिस्सा ही इन दूरदर्शन रिले केन्द्रों के प्रसारित कार्यक्रमों को देख पाता है। बाकी सब कार्यक्रम डिस्क के द्वारा देखे जा सकते हैं। हिन्दुस्तान का समाचार क्या कह रहा है, दूरदर्शन क्या कह रहा है, यह पता भी नहीं लगता है। लेकिन पाकिस्तान में क्या हो रहा है, वह सब समझ में आ जाता है, क्योंकि वह डिस्क के माध्यम से देखा जा सकता है। इसलिए दूरदर्शन के केन्द्रों का विकास करके हम सारे देश की जनता को इसका लाफ पहुंचा सकते हैं।

अंत में, मैं एक बात और कहना चाहता हूं। प्राधिकारी नियुक्त किए जा रहे हैं, लेकिन कोर्ट में जब तक पत्र लिखकर कोर्ट से आग्रह नहीं किया जाएगा, तब तक कोर्ट इस कानून का उल्लंघन करने वालों के खिलाफ कोग्निजैंस नहीं लेगा। इस दिशा में कहीं-न-कहीं फिर से विचार करने की आवश्यकता है, ताकि अपराध करने वाले जो लोग हैं, उनको सजा मिल सके और हम अपने उद्देश्य में सफलता प्राप्त कर करें। मुझे उम्मीद है, माननीय मंत्री जी के मंत्रित्वकाल में इस दिशा में हम कारगर कदम उठा सकेंगे। इन शब्दों के साथ मैं इस बिल का समर्थन करता हूं।

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Mr. Deputy-Speaker Sir, in the modern, changing and moving society, no law can be static and hence, necessary amendments have to be brought about as warranted, as necessitated by experience and the situation prevailing at any particular point of time. About a decade back, when the cable television made its entry in the country, there was no law governing its operations. The need to bring about a law to regulate the operation was felt in 1995. Thus, this Act of 1995, that is, the Cable Television Networks (Regulation) Act was brought on the Statute Book.

Today, I am happy that we have this Amending Bill before us incorporating certain amendments, the necessity of which has been felt by all of us during the last few years. I would indeed like to be very brief on this matter and refer only to one or two matters which needs to be referred to. They are not strictly within the domain of the Government, but I would certainly request the hon. Minister to take note of them somehow.

One is the emergence of cartels or what Shri Rupchand Pal also referred to as the big fish gobbling up the small fish. What do we do about it? The cable *mafias* have sprung up at many places and ours is also not so well. I would leave this matter at this stage only requesting the hon. Minister to take note of the situation as it prevails on the

ground and see as to how we can regulate and bring about a smooth working of the cable network in the country. Along with this is the other question relating to the area of operation of different cable operators.

The important point which I would like to refer to here is this. I do welcome the amendment brought about to that effect, that is, making it imperative for the cable operators to re-transmit at least two *Doordarshan* channels and one regional channel of the *Doordarshan*. A provision did exist earlier also in Section 8 of the Act but that has not been found to be adequate. The point that I would really like to make is that despite the provision being there, it is not meeting the requirements. There was a reference being made to the quality of the *Doordarshan* programmes. My experience is that the quality of the programmes of the *Doordarshan* as such is in no way inferior to those of any other channel. But the defect that I found is this. I do not know how it occurs. It is because of some machination of the cable operators somewhere either on their own or at the bidding of somebody else whose programmes they are telecasting that the reception of the *Doordarshan* programmes is not really up to the mark. I would like the hon. Minister to go into this question and see as to what really can be done. I think the provision which is being made by him now should take care of it because the *Prasar Bharati,* that is, the Broadcasting Corporation of India, is being authorised to even prescribe the manner of reception of transmission of such channels. I think that is meant to take care of that. But what I would really want is the result on the ground. The programmes, the objective and the *raison d' etre* of the *Doordarshan,* are different. Obviously, they have to be different from that of the private channels. It has to serve a national cause. For that reason, people all over the country would certainly like to switch on to the *Doordarshan* channel, provided that with the receiving sets which they have the reception is good. For that, you have to fix the responsibility on those cable operators who do not really come up to the responsibility and perform the task assigned to them.

I would like to make only one more point. As I said earlier, laws have to change with the passage of time. Similarly, the code about which a reference has been made earlier − the programme Codes and the advertisement code − also have to change. I happened to be a Member of the earlier Committee where we discussed about it a few years back. I think it is time to do it again . At that time, it was primarily the codes of other developed countries which were being circulated to us saying that these were the codes being followed by other countries. Our code has to be a completely indigenous one respecting the ethos and the culture of our country.

When we talk of various programmes being uplinked by foreign channels from outside India and our helplessness over that, I do find a provision here. I do not know how effective that can be in checking that situation and bringing it in conformity with the other stipulations of the Indian law as also the Indian Codes, the programme code and the advertisement code. It is our experience that the programmes may be uplinked from other countries but the advertisements relate to the Indian brands of liquor. Ihe target is the Indian group, the Indian audience. The programmes are generated outside but meant primarily for the Indian audience. They could have deleterious effect and impact on the minds of the Indian youths as also the general public. I would like the hon. Minister to take note of it.

Finally, I would also say that we do not have objection to bringing in enactment of any law as warranted by the situation but because of this exponential growth in the entire field, and the convergence of technology which was being referred to, it is time now that you give a holistic approach to the entire matter. Keeping that in view do come out with law which takes care of all ramifications of the different activities relating to the field of information and technology With these words, I would also support this Bill.

1831 ़बजे

कुंवर अखिलेश ि सिंह (महाराजगंज-उ.प्र.): उपाध्यक्ष महोद्य, मैं इस बिल का ़समर्थन करने के लि्ये ख़ड़ा हुआ हूं। मैं माननी्य मंत्री जी का ध्यान गोरखपुर दूरद्र्शन केन्द्र की ओर आकृ्ति करना चाहता हूं। गोरखपुर दूरद्र्शन केन्द्र व्ाों ़से किरा्ये के भ्वन पर चल रहा है। जिलाधिकारी, गोरखपुर ने उक्त भ्वन को खाली करा्ये जाने के लि्ये धमका्या है। गोरखपुर दूरद्र्शन के लि्ये जमीन क़्य कर ली गई है परन्तु अ्भी तक ़स्टूड्यिो के लि्ये केन्द्र ़सरकार ने धन का आ्बंटन नहीं कि्या है। गोरखपुर दूरद्र्शन केन्द्र ़बहुत महत्व का केन्द्र है। इसलि्ये मैं आपके माध्यम ़से ़सरकार ़से मांग करता हूं कि ़स्टूड्यिो के निर्माण के लिए धन का आ्बंटन करते ़सम्य प्राथमिकता प्रदान करें।

1832 Hours

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING AND MINISTER OF STATE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): Sir, I am extremely grateful to the hon. Members, each one of whom has supported this amendment Bill and have also made some very constructive suggestions. There was an observation made that this Bill is perhaps dealing with the area of cable, a piecemeal legislation. Shri Rupchand Pal, said it. There was yet another observation which said that we would also have to contemplate, within the system of cable laws, a system to check piracy. A query was also raised as to what is the plight of the Broadcast Bill which had earlier been introduced in this House, and had been referred to a Select Committee in 1997. There have been several suggestions made with regard to the impossibility of this law, as also improvement in the quality of television programming in this country. May I respond to the larger

question which had been raised? It is perhaps correct that this is a legislation which is operating in a limited field today.

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): That is what is meant by `piecemeal'.

SHRI ARUN JAITLEY: I quite concede to that. We are operating in an area where technology has been moving at a very fast pace. Actually, Shri Rupchand Pal himself suggested that. We were initially contemplating a Broadcast Bill and he himself suggested that now is the era of the convergence law.

Therefore, we have entered the era of the evolution which takes place in the fields of broadcasting, telecommunications and information technology, converging them into a common technology, making them easier to the people and making even communications cheaper to the people. As I indicated in my opening remarks, certainly the Government is fully seized of this matter. There is a Group headed by the hon. Finance Minister which is working on that legislation and a lot of what we are doing today, in the normal course, would also get incorporated into that proposed scheme of legislation with, of course, a much larger scope. But, in the meanwhile, what is really to be done?

We have worked the Cable Law for about the last five to six years and we have seen some obvious shortcomings in the Cable Law. For instance, one of the shortcomings that we saw was that the foreign satellite channels which do not use a decoder and which are not encrypted channels are almost outside the Programme and Advertisement Codes. It was a lacuna in the law. We have attempted to cure that lacuna. The second suggestion, which has been made − Shri Thawar Chand Gehlot and Shri Rupchand Pal made it − was that, what is really happening to the enforceability of even the existing provisions in the 1995 legislation. I must concede that in the absence of authorised officers appointed in every district and sub-division of this country, the enforceability of those provisions was very weak. For instance, if somebody relays a programme or an advertisement, which is contrary to the Code, there was, almost, no machinery to check it, since it was being done locally, because in a large number of places, even at the decentralised level, officers had not been appointed.

Therefore, now, by virtue of the amendment to the Act itself, we have, in the Act itself, designated the authorities. A suggestion was made that we have made the District Magistrate, the Sub-Divisional Magistrate and also the Commissioner of Police as the Designated Officers and there are several places where there is no Commissioner of Police. So, the Act itself says that where the Commissioner of Police is operating as a Director-General or with any other nomenclature, in addition to these three officers, we can include any other officer notified in the Official Gazette of the Central Government or the State Government. So, where there is an officer with any other nomenclature, we only require a subordinate legislation, a notification, in order to make sure that it can be notified and such an officer would, obviously, be in place.

Sir, two very important questions have been raised though they are, at the moment, outside the purview of this Bill. A large number of Members have expressed serious concern with regard to the fact that in the matter of communication of cable television, effectively in each locality and area, a monopoly of one operator is created. It is, certainly, a matter of concern. There are several other issues which relate to this monopoly with which we are, certainly, concerned and we will take them into consideration when we consider a more comprehensive legislation in the field of convergence. Under the present law, there is only a provision for registration. So, whoever can register with the Post Office in an area is entitled to operate a cable service in that particular area. There are several areas where there is more than one cable operator, but there are a number of areas where there is only one cable operator. So, in the absence of competition, the quality of service or the number of channels shown starts suffering. Competition, in fact, becomes the greatest protector of the viewers' and the consumers' interests.

Similarly, many suggestions about piracy have been made by many hon. Members. This is not a law which deals with piracy. As I said, piracy is dealt with by the Copyright Act, but since the enforcement of the Copyright Act is only through law courts, could it be considered when we conceive this larger legislation? As I indicated this morning also while answering a question, this is, certainly, one of the factors which is present in our minds and when we work on a larger scheme we have to consider whether we can try and see that the tariff system itself acts as a certain constraint that copyright violations, in terms of piracy, do not take place.

Sir, there are several other suggestions which have been made with regard to the quality of programming and a constant review of the Advertisement and the Broadcasting Code so that we meet the changing challenges of the society itself. I take these suggestions in the right spirit. Certainly, this is one area where we are going to work on it.

You raised the question as to how one would define obscenity because it can mean differently to different people. I must mention that in this Act, the phrase which we have used is 'morality and decency'. 'Morality and decency' is the phrase which we have picked up from article 19(2) of the Constitution. But obscenity is a phrase which is used in the penal provisions of our penal laws. It provides for trial and punishment. If there is something which is obscene,

the test is that you can be tried and prosecuted if something is obscene. But when you frame laws relating to exercise of freedom of expression and you put restraints in those laws, the Constitution itself does not use the word 'obscene', but it uses the word 'decency'. Therefore, we have consciously used the phrase 'decency' which part, as you have submitted, really comes within the parameters of the phrase which we have used that the quality of programming must be such which does not offend morality and decency. There are other phrases which we have picked up from article 19(2). Therefore, the restraints which we have put in this section are only those restrictions which are constitutionally permissible and which have stood the test of time from 1950 onwards.

You are right when you say that it is the quality and the credibility of the programming that really will eventually determine the viewership of the public broadcaster or Doordarshan itself. I must say that even contrary to an impression which is normally created, the mandate of both All India Radio and Doordarshan is not commercial in character. Their mandate is not merely to compete with the private channels. You are right when you said that it is education, information and entertainment. The recent figures have indicated that on the National Channel that the content of the information, news and the educational programmes is almost 58 per cent. The entertainment programmes are about 42 per cent of the National Channel. DD-II is essentially an entertainment channel. That content is much larger on the entertainment channel itself. Therefore, these organisations have been trying to discharge - in a small way - their own mandate.

The All India Radio, for instance, in so many different languages has 192 Production Centres in this country where it is relaying programmes. May I just correct the impression when you said that there is a small area in this country which is covered by Doordarshan? Today, there are 21 channels which they are running all over the country. Therefore, it is the extent of viewership in terms of population of the terrestrial channel which is DD National. It already covers 89 per cent of India's population. Therefore, even in certain areas where it is commercially not viable but it is in the national interest to reach out to those areas, they have been trying to reach out in terms of several areas where private sector has not ventured to come in because it may not be commercially possible. In order to discharge this mandate, they have been trying to enter into those areas, for example, in the remotest areas in the hilly areas, in the North-East, in Kashmir. You said that PTV is very popular in Kashmir today both in terms of the national channel, the Metro Channel and also the Kashmir local channel which has already been given terrestrial support. In addition to being a satellite channel, they have tried to enter those areas. Of course, they cannot enter every area to compete with the private channels because private channels essentially concentrate in a big way only on entertainment. Here you have also to keep programmes for various sections of the society. You have to keep programmes relating to women, tribals and farmers. The programmes of all kinds have to be telecast for various sections of the population. That is why we consider it necessary that a clause - we must restrict - must be present for essentially two terrestrial channels, that is DD-I and DD Metro. Metro is essentially a satellite channel but is now terrestrially supported in very large number of places in the country. In addition to that, one regional channel must also be on the cable operation. These would be the ones which would be notified from different regions of this country. Therefore, the object of this amendment really is to enforce and implement a broadcasting discipline on the cable operators so that the kind and quality of programmes which reach the human mind, which reach the mind of our children, do not offend ethics, do not offend morality, do not offend decency.

I am extremely grateful to almost all the speakers for having supported these amendments. Certainly, this is the process which is an evolving process.

SHRI G.M. BANATWALLA (PONNANI): Why did you use the word 'decency' and not a common word like 'obscenity'?

MR. DEPUTY-SPEAKER: He has explained this.

SHRI G.M. BANATWALLA : In the Act itself!

MR. DEPUTY-SPEAKER: Shri Banatwala, before your arrival, he explained both the words.

SHRI G.M. BANATWALLA : I must make my presence felt, I have just entered, Sir. I lost my chance of speaking. Thank you Sir.

SHRI ARUN JAITLEY: Sir, this question has been raised by Shri Rupchand Pal. I had, at length, explained to him. I shall also explain to him, maybe outside the House. I explained the rationale for using this word "decency" and not "obscenity" in the Act.

I am extremely grateful to all the Members who have supported this Bill and I commend to this hon. House that the Bill be approved and passed.

MR. DEPUTY-SPEAKER: I shall now put the amendment moved by Shri Varkala Radhakrishnan to vote.

The amendment was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Cable Television Networks (Regulation) Act, 1955, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: The House will now take up clause by clause consideration of the Bill.

The question is:

"That clauses 2 to 4 stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

MR. DEPUTY-SPEAKER: Amendment Nos. 3 and 4. Shri Vilas Muttemwar - not present.

The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

MR. DEPUTY-SPEAKER: Amendment No.5. Shri Vilas Muttemwar - not present.

The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

MR. DEPUTY-SPEAKER: Amendment No.6. Shri Vilas Muttemwar - not present.

The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

MR. DEPUTY-SPEAKER: Amendment No.7. Shri Vilas Muttemwar - not present.

The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

MR. DEPUTY-SPEAKER: Amendment No.8. Shri Vilas Muttemwar - not present.

The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clause 1, the Enacting Formula and theLong Title were added to the Bill.

SHRI ARUN JAITLEY: Sir, I beg to move:

"That the Bill be passed."

श्री जी.एम. ्बनात्वाला (पोन्नानी) : ्सर, ्यह तो फा्यनल रीडिंग है। मुझे एक क्लाज पर ्बोलने की इजाजत दी जाए। I want to speak for one hour.

MR. DEPUTY-SPEAKER: You have to give notice for that. You are frightening me, Shri Banatwala.

The question is:

"That the Bill be passed."

The motion was adopted.

15.03 hrs.